

By: 

H.B. No. 1081

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of air conditioning and refrigeration
contractors and technicians.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1302.152, Occupations Code, is amended
to read as follows:

Sec. 1302.152. COMPLAINT INVESTIGATION. (a) The department
~~[commissioner]~~ shall investigate a consumer complaint filed with
the department ~~[commissioner]~~.

(b) The executive director ~~[commissioner]~~ may take
appropriate action under Section 51.353 if the executive director
~~[commissioner]~~ determines after an investigation that a license or
certificate holder violated this chapter or a rule adopted under
this chapter.

SECTION 2. Chapter 1302, Occupations Code, is amended by
adding Subchapter K to read as follows:

SUBCHAPTER K. AIR CONDITIONING AND REFRIGERATION TECHNICIANS

Sec. 1302.501. DEFINITIONS. In this subchapter:

(1) "Air conditioning and refrigeration technician"
means a person who assists a licensed air conditioning and
refrigeration contractor in performing air conditioning and
refrigeration contracting.

(2) "Certificate" means a certificate of registration
issued under this subchapter.

1 Sec. 1302.502. REGISTRATION REQUIRED. (a) A person may not
2 act as an air conditioning and refrigeration technician unless the
3 person holds a certificate of registration issued under this
4 subchapter.

5 (b) A certificate is valid throughout the state. A person
6 who holds a certificate is not required to be registered in a
7 municipality to assist in air conditioning and refrigeration
8 contracting.

9 Sec. 1302.503. RULES. The department may adopt rules to
10 implement this subchapter.

11 Sec. 1302.504. SUPERVISION REQUIREMENTS FOR REGISTRANTS.

12 (a) An air conditioning and refrigeration technician must be
13 supervised by an air conditioning and refrigeration contractor
14 licensed under this chapter.

15 (b) A certificate holder shall notify the department in
16 writing not later than the 30th day after the date on which a change
17 occurs in the identity of an air conditioning and refrigeration
18 contractor who supervises the certificate holder.

19 Sec. 1302.505. APPLICATION; FEE. (a) An applicant for a
20 certificate must submit an application on a form prescribed by the
21 executive director.

22 (b) The application must be completed and accompanied by:

23 (1) the application fee; and

24 (2) the name and license number of each air
25 conditioning and refrigeration contractor who will supervise the
26 applicant.

27 Sec. 1302.506. WAIVER OF REGISTRATION REQUIREMENT. The

1 executive director may waive any registration requirement for an
2 applicant who holds a registration issued by another state that has
3 a reciprocity agreement with this state.

4 Sec. 1302.507. ISSUANCE AND TERM OF REGISTRATION. (a) On
5 receipt of a completed application, the department shall issue a
6 certificate to an applicant who meets the requirements of this
7 subchapter.

8 (b) A certificate is valid for one year from the date of
9 issuance.

10 Sec. 1302.508. RENEWAL OF REGISTRATION. To renew a
11 certificate a certificate holder must:

12 (1) submit a renewal request on a form prescribed by
13 the executive director;

14 (2) provide the name and license number of each air
15 conditioning and refrigeration contractor who will supervise the
16 certificate holder; and

17 (3) pay the required renewal fee.

18 SECTION 3. Section 411.093(a), Government Code, is amended
19 to read as follows:

20 (a) The Texas Department of Licensing and Regulation is
21 entitled to obtain from the department criminal history record
22 information maintained by the department that relates to a person
23 who is:

24 (1) an applicant for a license or registration under:
25 (A) Chapter 1302, Occupations Code; or
26 (B) Chapter 2052, Occupations Code [~~the Texas~~
27 ~~Boxing and Wrestling Act (Article 8501-1, Vernon's Texas Civil~~

1 ~~Statutes~~]; or

2 (2) the holder of a license or registration under
3 those chapters [~~that Act~~].

4 SECTION 4. Effective March 31, 2004, Section 1302.062,
5 Occupations Code, is repealed.

6 SECTION 5. Not later than December 31, 2003, the Texas
7 Department of Licensing and Regulation shall adopt rules
8 implementing Subchapter K, Chapter 1302, Occupations Code, as added
9 by this Act.

10 SECTION 6. (a) Except as provided by Subsection (b) of this
11 section, this Act takes effect September 1, 2003.

12 (b) Sections 1302.502 and 1302.504, Occupations Code, as
13 added by this Act, take effect March 31, 2004.

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FEB 18 2003

Filed with the Chief Clerk

FEB 24 2003

Read first time and referred to Committee on Licensing & Administrative Procedures

Reported ___ favorably (as amended)
(as substituted)

Sent to Committee on (Calendars)
(Local & Consent Calendars)

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)
(record vote of ___ yeas, ___ nays, ___ present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of ___ yeas, ___ nays, ___ present, not voting

Read third time (amended); finally passed (failed to pass) by a (non-record vote)
(record vote of ___ yeas, ___ nays, ___ present, not voting)

Engrossed

Sent to Senate

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

Received from the House

Read and referred to Committee on _____

Reported favorably _____

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(___ yeas, ___ nays)

Read second time, _____, and passed to third reading by (unanimous consent)
(a viva voce vote)
(___ yeas, ___ nays)

Senate and Constitutional 3 Day Rules suspended by a vote of ___ yeas, ___ nays

Read third time, _____, and passed by (a viva voce vote)
(___ yeas, ___ nays)

Returned to the House

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

_____ Returned from the Senate (as substituted)
(with amendments)

_____ House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House conferees appointed: _____, Chair; _____,
_____, _____, _____

_____ Senate-granted House request. Senate conferees appointed: _____, Chair;
_____, _____, _____, _____

_____ Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)